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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sandra M. Simms) DOCKET NO.: 3523/2/US
SERIAL NO.: 09/933,366) GROUP ART UNIT: 1614
FILED: August 20, 2001) EXAMINER: Cybille Delacroix-Muirheid
TITLE: SOLUTION COMPOSITION OF AN OXAZOLIDINONE ANTIBIOTIC
DRUG HAVING ENHANCED DRUG LOADING

CERTIFICATE OF TRANSMISSION

I hereby certify that this document and accompanying documents referred to herein are being transmitted to the United States Postal Service, via facsimile, to (571) 273-0572 on February 3, 2005.


Karen B. King

Commissioner for Patents
P.O. Box 1450
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE AFTER FINAL ACTION

Dear Examiner Delacroix-Muirheid:

Thank you for contacting Attorney for Applicants, Karen King, by telephone this afternoon, to inform Applicants of an error in the title of a Declaration by Dr. Jeffrey Bartz ("Bartz Declaration"), filed in prosecution of the above-cited case on November 23, 2005. The Declaration was titled "DECLARATION BY DR. JEFFREY BARTZ, UNDER 37 CFR §1.131." The Declaration was filed with a Response after Final Action Office Action, under 37 CFR §1.116. In the first paragraph of text in the Response, the Bartz Declaration was referred to by the same title.

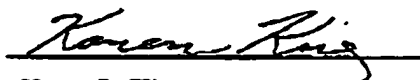
Applicants respectfully submit that the Bartz Declaration was presented as evidence to traverse a rejection, under 35 USC §103(a), of all the pending claims of the present application, claims 1-30. Therefore, the CFR provision cited in the title of the Bartz Declaration should have

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been 37 C.F.R. §1.132, the proper provision for such declarations, not 37 CFR §1.131. This was a typographic error in the title of the Bartz Declaration. Applicants respectfully request that the typographic error in the title of the Bartz Declaration be noted, and that the Bartz Declaration be treated as a Declaration Under 37 C.F.R. §1.132.

Applicants respectfully submit that all the pending claims of the present patent application are in a condition for allowance. The Examiner is invited to contact the undersigned at the telephone number given below, should she wish to discuss any of the above.

Dated: 2/3/05



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